

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD STARK,  
Plaintiff,  
v.  
JOSEPH LEHMAN, et al.,  
Defendant.

Case No. C04-5858RBL

# REPORT AND RECOMMENDATION

Noted for June 3, 2005

This matter is before the court on plaintiff's failure to respond to the court's order directing him to submit information related to his IFP application. Specifically, because of inconsistent information provided to the court, the court directed plaintiff to provide detailed financial information to properly consider his application. The court warned plaintiff that if this information was not provided by April 18, 2005, the undersigned would recommend dismissal of this matter.

To date plaintiff neither provided the necessary information nor paid the filing fee to go forward with this lawsuit. Accordingly, the court should dismiss this matter for lack of prosecution.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **June 3, 2005**, as noted in the caption.

DATED this 9th day of May, 2005.

/s/ J. Kelley Arnold  
J. Kelley Arnold  
U.S. Magistrate